

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 2003-CV-12426 RCL

CAREFREE PARK CORPORATION,)
Plaintiff,)
)
v.)
)
ADIB NABHAN,)
Defendant.)

DEFENDANT'S MOTION TO FURTHER EXTEND DISCOVERY DEADLINE

Adib Nabhan ("Nabhan"), the defendant in the above-captioned matter, hereby moves for an extension of the deadline for completing discovery in the case as follows:

1. Fact discovery to close January 31, 2005.
2. Plaintiff to disclose experts by February 28, 2005.
3. Defendant to disclose experts by May 2, 2005.
4. Expert discovery to be completed by June 1, 2005.
5. Dispositive motions due by July 1, 2005.

In support of their motion, the defendant states that Carefree Park filed this case in Essex Superior Court in Massachusetts on October 8, 2003. Nabhan removed the case to this Court on December 4, 2003. Plaintiff alleges that defendant usurped a business opportunity by failing to make all of defendant's shareholders equal owners of Fun Depot, Inc., which is located in Florida. Counsel for the parties tentatively planned to conduct the deposition of defendant and potentially other non-party witnesses over the course of three days during the week of November 15, 2004, which was the first available

three-day period available to counsel for defendant. After learning that defendant was available during this time period, defendant's counsel learned that his wife had been scheduled for surgery on November 12, 2004, with expected hospitalization until at least November 17, 2004 and approximately five weeks recuperation at home thereafter.

Given the necessity of travel to Florida and defendant's counsel's inability to travel until December, 2004 at the earliest, the extension defendant is seeking is not unreasonable. Counsel for the plaintiff has been consulted and has no objection to this motion. The parties do not anticipate the need for any further extension.

For the foregoing reasons, defendant respectfully requests that his motion to extend the discovery deadlines be allowed.

The Defendant,
ADIB NABHAN
By his attorneys,

/s/ Doyle C. Valley
Doyle C. Valley, BBO No. 638578
MORRISON MAHONEY LLP
250 Summer Street
Boston, MA 02210
(617) 439-7500

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

I hereby certify that on October 15, 2004, October 18, 2004 and October 22, 2004, I spoke with Gordon M. Jones, III, counsel for plaintiff concerning depositions of defendant and, potentially, other non-party witnesses in Florida. The parties conferred as to whether those depositions could be conducted prior to the expiration of the discovery deadline. However, given the schedules for the parties' counsel, the location of the deponents and a medical procedure involving a family member of defendant's counsel, the parties were unable to narrow the issue in a manner that would allow them to complete discovery within the existing discovery deadline. Prior to filing, defendant's motion as been provided to Attorney Jones, who has no objection to the motion and has concurred with the extension dates sought.

/s/ Doyle C. Valley
Doyle C. Valley, BBO No. 638578
MORRISON MAHONEY LLP
250 Summer Street
Boston, MA 02210
(617) 439-7500

CERTIFICATE OF SERVICE

I , Doyle C. Valley, hereby certify that a copy of the Defendant's Motion to Further Extend Discovery Deadline and Certification Pursuant to Local Rule 7.1(A)(2) was served upon the attorney of record for each party by First Class Mail on October 27, 2004.

/s/ Doyle C. Valley
Doyle C. Valley, BBO No. 638578
MORRISON MAHONEY LLP
250 Summer Street
Boston, MA 02210
(617) 439-7500